

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition & Excise Department – Allegation of corruption against Sri M. Krishna Naik, Assistant Prohibition & Excise Superintendent, Vijayawada (Retired) – Placed on his defence before the Tribunal for Disciplinary Proceedings, Hyderabad – Enquiry conducted – Found not guilty of the offence – Further action dropped – Request for regularization of suspension period – Suspension period treated as “not on duty” – Orders – Issued.

REVENUE (VIG.V) DEPARTMENT

G.O. Rt. No. 1045.

Dated 12.07.2012.

Read the following:-

- 1) CPE Procs. Cr.No.69/2003/CPE/SR, dt.12.12.2003.
- 2) APAT Orders dt.01.09.2004 in O.A. No.8276/2003 filed by Sri M. Krishna Naik, Asst. Proh. & Excise Superintendent.
- 3) The D.G., ACB Lr.Rc.No.284/RCT-VKI/2003, dt.10.08.2004.
- 4) Sri M. Krishna Naik, formerly Asst. P&E Superintendent, Representation dt.10.09.2004.
- 5) Govt. Memo No.51302/Vig.V(2)/2003-8, dt.03.01.2005.
- 6) CPE Procs. Cr.No.69/2003, dt.20.01.2005.
- 7) Sri M. Krishna Naik, formerly Asst. P&E Superintendent, Representation dt.27.09.2005.
- 8) The Govt. Memo. No.51302/Vig.V(2)/2003-14, dt.27.03.2006.
- 9) The Secretary, TDP, Hyderabad Lr.Dis.No.S/30/2011, dt.23.12.2011.
- 10) G.O. Rt. No.537, Revenue (Vig.V) Deptt., dt.04.04.2012.
- 11) Sri M. Krishna Naik, Asst. P&E Superintendent, Representation, dt.23.04.2012.

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ORDER:

In the reference 1st read above, Sri M. Krishna Naik, formerly Assistant Prohibition & Excise Superintendent, Vijayawada (Retired on 30.06.2008) was kept under suspension as his custody exceeded more than 48 hours in connection with trap case registered against him by the ACB Authorities.

2) Aggrieved by the above, the individual has approached the Hon'ble A.P. Administrative Tribunal by filing O.A. No.8276 of 2003 with a prayer to suspend the impugned proceedings of the Commissioner of Prohibition & Excise, A.P., Hyderabad in the reference 1st read above and reinstate him into service.

3) In the reference 2nd read above, the Hon'ble A.P. Administrative Tribunal directed the individual to file an appeal before the Government and the Government shall dispose of the same within three weeks from the date of receipt of the orders.

4) In the reference 3rd read above, the Director General, Anti Corruption Bureau has furnished the Final Report and recommended for prosecution of the Accused Officer in a Court of Law on the allegation of demand and acceptance of bribe and collection of bribe and monthly mamools.

5) In the reference 4th read above, the individual has filed an application before the Government and requested for his reinstatement into service.

6) After examination of the matter, the Commissioner of Prohibition & Excise, A.P., Hyderabad (vide reference 5th read above) was directed to reinstate the individual into service pending finalization of disciplinary proceedings against him and to post him to a far off distant place on his reinstatement.

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7) In the reference 6th read above, the Commissioner of Prohibition & Excise, A.P., Hyderabad has issued orders reinstating the individual into service and posted him as SDPEO, Chodavaram, Visakhapatnam District.

8) In the reference 7th read above, Sri M. Krishna Naik has submitted a representation requesting the Government to withdraw the case against him. Government, after examining his representation, have placed the individual on his defence before the Tribunal for Disciplinary Proceedings, Hyderabad in the reference 8th read above.

9) In the reference 9th read above, the Tribunal for Disciplinary Proceedings, Hyderabad found the Charged Officer is not guilty of the Charges.

10) After examination of the matter, orders were issued in the reference 10th read above, exonerating Sri M. Krishna Naik by dropping further action against him.

11) In the reference 11th read above, the individual has requested the Government, to regularize his suspension period from 12.12.2003 to 21.01.2005 as 'on duty' for all purposes, as the Government have dropped further action against him in G.O. Rt. No.537, Revenue (Vig.V) Department, dt.04.04.2012.

12) Government, after careful examination of the matter in detail have observed that prima-facie he was involved in a serious case of trap by the ACB and hence the suspension of the individual cannot be regarded as 'wholly unjustified'. Therefore, it is decided to treat the suspension period i.e., from 12.12.2003 to 21.01.2005 as "not on duty". During the said suspension period he will be paid only subsistence allowance. However the period shall count for notional increments, pay fixation, qualifying period for promotion, leave etc.

13) The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Krishna Naik, Assistant Prohibition & Excise Superintendent (Retired)

Through: the Commissioner of Prohibition & Excise, A.P., Hyderabad.

The Commissioner of Prohibition & Excise, A.P., Hyderabad.

(with a request to serve the order to the individual and furnish the served copy to the Government for record).

Copy to:-

The Revenue (Excise-I) Department.

The Director General, Anti Corruption Bureau, A.P., Hyderabad.

The Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.

The Prohibition & Excise Superintendent, Gajuwaka, Visakhapatnam.

The Deputy Commissioner of Prohibition & Excise, Visakhapatnam.

The District Treasury Officer, Visakhapatnam.

The Director of Treasuries & Accounts, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER